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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 RICKY M. ARNTSEN, ) CASE NO. C07-1967-JCC-MAT  
09 Plaintiff, )  
10 v. ) ORDER RE: PLAINTIFF'S MOTIONS  
11 STEVEN CLARK, *et al.*, )  
12 Defendants. )  
13 \_\_\_\_\_ )

14 Plaintiff is a Washington state prisoner who is proceeding *pro se* in this action brought  
15 under 42 U.S.C. § 1983. On April 28, 2008, the Court issued an Order setting a pretrial deadline  
16 for discovery of July 1, 2008. (Dkt. No. 24). Both parties have filed motions for summary  
17 judgment. (Dkt. Nos. 26, 35). Recently, defendants filed a motion to stay further discovery  
18 pending resolution of the motions for summary judgment (Dkt. No. 39), and plaintiff filed a  
19 motion for an extension of time to conduct further discovery and also to prepare a reply to  
20 defendants' response to plaintiff's motion for summary judgment. (Dkt. No. 41). Having  
21 reviewed plaintiff's motion for an extension of time and defendants' motion to stay discovery, and  
22 the balance of the record, the Court does hereby find and ORDER as follows:

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01           (1)     Plaintiff alleges in his complaint that his civil rights were violated by two Seattle  
02 police officers when they arrested plaintiff in October and December of 2005. (Dkt. No. 18 at 2-  
03 3). These arrests apparently led to a criminal trial at which plaintiff, who represented himself, was  
04 able to question the officers about the arrests. (Dkt. No. 26, Attachment). Plaintiff attached  
05 portions of the officers' testimony to his motion for summary judgment, which he filed on May  
06 16, 2008. (*Id.*)

07           In light of the fact that plaintiff filed his motion for summary judgment six weeks before  
08 the deadline for discovery elapsed, and the fact that plaintiff supported his motion with testimony  
09 from his trial, it appears that further discovery is not necessary to resolve that motion. If,  
10 however, upon consideration of plaintiff's motion for summary judgment, the Court determines  
11 that further discovery would be helpful to the motion's resolution, the Court will consider  
12 extending the deadline. Accordingly, the Court defers consideration of plaintiff's motion for an  
13 extension of time to conduct discovery until the Court has resolved plaintiff's pending motion for  
14 summary judgment. To the extent that plaintiff also requests additional time to file a reply to  
15 defendants' response to his motion for summary judgment, plaintiff's request is DENIED as  
16 untimely since it was filed ten days after the reply was due.<sup>1</sup>

17           (2)     Plaintiff is advised that defendants' motion for summary judgment is noted for July  
18 11, 2008. (Dkt. No. 35). Accordingly, his response to the motion is due no later than **July 7**,  
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20           <sup>1</sup> Plaintiff's motion for summary judgment was noted for consideration on June 13, 2008.  
21 (Dkt. No. 26). Therefore, plaintiff's reply was due no later than June 13, 2008. *See* Local Rule  
22 CR 7(d)(3). Because he filed his request for an extension of time after this deadline had passed,  
plaintiff must show "excusable neglect." Fed. R. Civ. P. 6(b)(1)(B). However, plaintiff's motion  
does not address this standard nor does it cite facts that would satisfy it.

01 **2008.**

02       (3)     Because the Court has deferred consideration of plaintiff's motion to extend  
03 discovery, and in view of the fact that the current deadline for discovery expires shortly on July  
04 1, 2008, defendants' motion to stay discovery (Dkt. No. 39) while the motions for summary  
05 judgment are considered is DENIED as moot.

06       (4)     The Clerk is directed to send a copy of this Order to plaintiff, to counsel for  
07 defendants, and to the Honorable John C. Coughenour.

08       DATED this 26th day of June, 2008.

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11 Mary Alice Theiler  
12 United States Magistrate Judge  
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